



# PUBLIC NOTICE

FEDERAL COMMUNICATIONS COMMISSION  
445 TWELFTH STREET, S.W.  
WASHINGTON, D.C. 20554

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DA 14-1733

Released: December 2, 2014

## AT&T INC. AND KANOKLA TELEPHONE ASSOCIATION SEEK FCC CONSENT TO THE ASSIGNMENT OF TWO LOWER 700 MHZ LICENSES IN KANSAS AND OKLAHOMA

WT Docket No. 14-199

### PLEADING CYCLE ESTABLISHED

**Petitions to Deny Due:** January 5, 2015  
**Oppositions Due:** January 15, 2015  
**Replies Due:** January 23, 2015

### I. INTRODUCTION

AT&T Inc., through its indirect and wholly-owned subsidiary AT&T Mobility Spectrum LLC (collectively, “AT&T”), and KanOkla Telephone Association (“KanOkla,” and together with AT&T, the “Applicants”) have filed applications pursuant to section 310(d) of the Communications Act of 1934, as amended,<sup>1</sup> seeking the full assignment of one Lower 700 MHz C Block license and the partitioned assignment of a second Lower 700 MHz C Block license to AT&T. The subject licenses cover parts of Kansas and Oklahoma. The proposed transaction involves only the assignment of spectrum; no customers or networks would be transferred.

The Applicants maintain that the proposed transaction would provide AT&T with additional spectrum that would enable it to increase its system capacity to enhance existing services, better accommodate its overall growth, and facilitate the provision of additional products and services in two Cellular Market Areas (“CMAs”) – CMA 441 (Kansas 14-Reno) and CMA 598 (Oklahoma 3-Grant). The Applicants also assert that, as a result of this instant transaction, AT&T would hold 24 megahertz of contiguous, paired Lower 700 MHz spectrum in Oklahoma 3-Grant, allowing for a 10 x 10 megahertz LTE deployment.

Our preliminary review indicates that AT&T would be assigned 12 megahertz of spectrum in 11 counties in all or parts of the two CMAs. Post-transaction, AT&T would hold 98 to 150 megahertz of spectrum in total, including 18 megahertz of below-1-GHz spectrum in Kansas 14-Reno, and 55 megahertz of below-1-GHz spectrum in Oklahoma 3-Grant.

The *Mobile Spectrum Holdings Report and Order* requires that we treat any proposed increase in below-1-GHz spectrum holdings resulting in the acquiring entity holding approximately one-third or more of the suitable and available spectrum below 1 GHz as an “enhanced factor” in our case-by-case

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<sup>1</sup> 47 U.S.C. § 310(d).

review.<sup>2</sup> As a result of the instant transaction, AT&T would hold more than 45 megahertz of the 134 megahertz of currently suitable and available below-1-GHz spectrum in 5 counties covering part of CMA 598 Oklahoma 3-Grant.

## II. SECTION 310(d) APPLICATIONS

The applications for the assignment of licenses from KanOkla to AT&T have the following file numbers:

<u>File No.</u>	<u>Licensee/Assignor</u>	<u>Assignee</u>	<u>Lead Call Sign</u>
0006447565 <sup>3</sup>	KanOkla Telephone Association	AT&T Mobility Spectrum LLC	WPWV337
0006447568 <sup>4</sup>	KanOkla Telephone Association	AT&T Mobility Spectrum LLC	WPWV339

## III. EX PARTE STATUS OF THIS PROCEEDING

Pursuant to section 1.1200(a) of the Commission's rules,<sup>5</sup> the Commission may adopt modified or more stringent *ex parte* procedures in particular proceedings if the public interest so requires. We announce that this proceeding will be governed by permit-but-disclose *ex parte* procedures that are applicable to non-restricted proceedings under section 1.1206 of the Commission's rules.<sup>6</sup>

Parties making oral *ex parte* presentations are directed to the Commission's *ex parte* rules. Parties are reminded that memoranda summarizing the presentation must contain the presentation's substance and not merely list the subjects discussed.<sup>7</sup> More than a one- or two-sentence description of the views and arguments presented is generally required.<sup>8</sup> Other rules pertaining to oral and written presentations are set forth in section 1.1206(b) as well.<sup>9</sup>

## IV. GENERAL INFORMATION

The assignment applications have been found, upon initial review, to be acceptable for filing. The Commission reserves the right to return any application if, upon further examination, it is determined to be defective and not in conformance with the Commission's rules or policies.

Interested parties must file petitions to deny no later than **January 5, 2015**. Persons and entities that file petitions to deny become parties to the proceeding. They may participate fully in the proceeding, including seeking access to any confidential information that may be filed under a protective order, seeking reconsideration of decisions, and filing appeals of a final decision to the courts. Oppositions to

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<sup>2</sup> See Policies Regarding Mobile Spectrum Holdings; Expanding the Economic and Innovation Opportunities of Spectrum Through Incentive Auctions, WT Docket No. 12-269, GN Docket No. 12-268, *Report and Order*, 29 FCC 6133, 6240 ¶¶ 286-88 (rel. June 2, 2014) ("*Mobile Spectrum Holdings Report and Order*").

<sup>3</sup> The applicants have designated this application as the lead application for this transaction.

<sup>4</sup> This application is for the partitioned assignment.

<sup>5</sup> 47 C.F.R. § 1.1200(a).

<sup>6</sup> 47 C.F.R. § 1.1206.

<sup>7</sup> See 47 C.F.R. § 1.1206(b)(1).

<sup>8</sup> See *id.*

<sup>9</sup> 47 C.F.R. § 1.1206(b).

such pleadings must be filed no later than **January 15, 2015**. Replies to such pleadings must be filed no later than **January 23, 2015**. All filings concerning matters referenced in this Public Notice should refer to WT Docket No. 14-199.

**To allow the Commission to consider fully all substantive issues regarding the applications in as timely and efficient a manner as possible, petitioners and commenters should raise all issues in their initial filings. New issues may not be raised in responses or replies.<sup>10</sup> A party or interested person seeking to raise a new issue after the pleading cycle has closed must show good cause why it was not possible for it to have raised the issue previously. Submissions after the pleading cycle has closed that seek to raise new issues based on new facts or newly discovered facts should be filed within 15 days after such facts are discovered. Absent such a showing of good cause, any issues not timely raised may be disregarded by the Commission.**

Under the Commission's current procedures for the submission of filings and other documents,<sup>11</sup> submissions in this matter may be filed electronically through the Commission's Electronic Comment Filing System ("ECFS") or by hand delivery to the Commission.

- **To file electronically,**<sup>12</sup> comments shall be sent as an electronic file via the Internet to <http://apps.fcc.gov/ecfs>. In completing the transmittal screen, commenters should include their full name, U.S. Postal Service mailing address, and the applicable docket number. Parties may also submit an electronic comment by email.
- **To file by paper,** the original and four copies of each filing must be filed by hand or messenger delivery, by commercial overnight courier, or by first-class or overnight U.S. Postal Service mail. All hand-delivered or messenger-delivered paper filings for the Commission's Secretary must be delivered to FCC Headquarters at 445 12th St., S.W., Room TW-A325, Washington, D.C. 20554. The filing hours at this location are 8:00 a.m. to 7:00 p.m. All hand deliveries must be held together with rubber bands or fasteners. Any envelopes must be disposed of before entering the building. Commercial overnight mail (other than U.S. Postal Service Express Mail and Priority Mail) must be sent to 9300 East Hampton Drive, Capitol Heights, MD 20743. U.S. Postal Service first-class, Express, and Priority mail should be addressed to 445 12th Street, S.W., Washington, D.C. 20554. All filings must be addressed to the Commission's Secretary, Office of the Secretary, Federal Communications Commission.

One copy of each pleading must be delivered electronically, by email or facsimile, or if delivered as paper copy, by hand or messenger delivery, by commercial overnight courier, or by first-class or overnight U.S. Postal Service mail (according to the procedures set forth above for paper filings), to: (1) the Commission's duplicating contractor, Best Copy and Printing, Inc., at [FCC@BCPIWEB.COM](mailto:FCC@BCPIWEB.COM) or (202) 488-5563 (facsimile); (2) Scott Patrick, Mobility Division, Wireless Telecommunications Bureau, at [scott.patrick@fcc.gov](mailto:scott.patrick@fcc.gov) or (202) 418-7447 (facsimile); (3) Kate Matraves, Spectrum and Competition Policy Division, Wireless Telecommunications Bureau, at [catherine.matraves@fcc.gov](mailto:catherine.matraves@fcc.gov) or (202) 418-7447 (facsimile); and (4) Jim Bird, Office of General Counsel, at [TransactionTeam@fcc.gov](mailto:TransactionTeam@fcc.gov) or (202) 418-1234 (facsimile).

Copies of the applications and any subsequently-filed documents in this matter may be obtained from Best Copy and Printing, Inc. in person at 445 12th Street, S.W., Room CY-B402, Washington, D.C.

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<sup>10</sup> See 47 C.F.R. § 1.45(c).

<sup>11</sup> See FCC Announces Change in Filing Location for Paper Documents, *Public Notice*, 24 FCC Rcd 14312 (2009).

<sup>12</sup> See Electronic Filing of Documents in Rulemaking Proceedings, GC Docket No. 97-113, *Report and Order*, 13 FCC Rcd 11322 (1998).

20554, via telephone at (202) 488-5300, via facsimile at (202) 488-5563, or via email at FCC@BCPIWEB.COM. The applications and any associated documents are also available for public inspection and copying during normal reference room hours at the following Commission office: FCC Reference Information Center, 445 12th Street, S.W., Room CY-A257, Washington, D.C. 20554. The applications are also available electronically through ULS, which may be accessed on the Commission's Internet website. To request materials in accessible formats for people with disabilities (Braille, large print, electronic files, audio format), send an email to fcc504@fcc.gov or call the Consumer and Governmental Affairs Bureau at (202) 418-0530 (voice) or (202) 418-0432 (TTY). Contact the FCC to request reasonable accommodations for filing comments (accessible format documents, sign language interpreters, CART, etc.) by email: FCC504@fcc.gov; phone: (202) 418-0530; or TTY: (202) 418-0432.

For further information, contact Scott Patrick, Mobility Division, Wireless Telecommunications Bureau, at (202) 418-2853, or Kate Mataves, Spectrum and Competition Policy Division, Wireless Telecommunications Bureau, at (202) 391-6272.

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